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6 Attorneys for Defendant

Aviation Services (CNMI), Ltd. dba Freedom Air

7  
8 UNITED STATES DISTRICT COURT

9 FOR THE

10 NORTHERN MARIANA ISLANDS

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13 MOSES T. FEJERAN and  
QIANYAN S. FEJERAN,

14 Plaintiffs,

15 vs.

16 AVIATION SERVICES (CNMI), LTD.  
17 dba FREEDOM AIR,

18 Defendant.

CIVIL ACTION NO. 05-0033

**DECLARATION OF DAVID LEDGER;  
CERTIFICATE OF SERVICE**

19 I, DAVID LEDGER, declare under penalty of perjury that the following statements are  
20 true and correct:  
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22 1. I have personal knowledge of the facts stated in this declaration except as  
23 otherwise indicated.

24 2. I would testify competently to these facts if called by the Court to do so.

25 3. I am licensed to practice law in the Commonwealth of the Northern Mariana  
26 Islands and am admitted to this Court.

27 4. I am the attorney for Aviation Services (CNMI), Ltd. dba Freedom Air.  
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1           5.       This Declaration is filed in support of the parties Joint Motion To Re-set Trial  
2       Date.

3           6.       Freedom Air has retained Richard T. Gill to provide expert opinion on liability  
4       issues. Mr. Gill resides in Spokane, Washington. In particular, Mr. Gill will review the expert  
5       opinion(s) of Plaintiff's expert Frank Perez and provide rebuttal opinion. Mr. Gill will also  
6       provide affirmative opinion(s) regarding the condition of the aircraft stair and related issues. Mr.  
7       Gill has not yet been able to schedule an inspection of the aircraft, which will have to be on  
8       Guam.

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10          7.       Freedom Air has retained Dr. Peter Diamond of the Honolulu Sports Medical  
11       Group, Honolulu, Hawaii to provide expert medical opinion. Though Plaintiff produced (after  
12       diligent and lengthy efforts) medical records which were in turn handed over to Dr. Diamond to  
13       review, the records after all proved to be incomplete. In particular, operative reports and  
14       diagnostic results were not included among the records Plaintiff provided. As a result, Freedom  
15       Air had to serve subpoenas on Commonwealth Health Center and Guam Radiology Clinic to  
16       obtain the missing items. These items have now just recently been provided to Dr. Diamond for  
17       him to review. Dr. Diamond's preliminary assessment after reviewing the incomplete records  
18       was that he would in all likelihood need to see the Plaintiff for an examination. Dr. Diamond  
19       will confirm this, or not, after reviewing the recently provided complete set of medical records. I  
20       am are currently awaiting word on this.


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23          8.       Freedom Air has consented to the recent designation by Plaintiff of a "life-care"  
24       expert. Notwithstanding that such designation was made after the deadline to do so, Freedom  
25       Air believes that Plaintiff designated this expert as soon as reasonably possible after the need  
26       became known. In exchange for Defendant's consent to the out-of-time-designation, Plaintiff  
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1 agreed to allow Freedom Air sufficient time to evaluate the expert opinion to be provided and if  
2 necessary, to obtain rebuttal opinion.

3 I declare under penalty of perjury that the foregoing is true, correct and complete.

4 DATED: Hagåtña, Guam, September 11, 2006.

5 CARLSMITH BALL LLP


6   
7 DAVID LEDGER  
8 Attorneys for Defendant  
9 Aviation Services (CNMI), Ltd.  
10 dba Freedom Air  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 11th day of September 2006, I will cause to be served, via electronic filing, a true and correct copy of **DECLARATION OF DAVID LEDGER** to the following Counsel of record.

George L. Hasselback, Esq.  
O'Connor Berman Dotts & Banes  
Second Floor, Nauru Building  
Post Office Box 501969  
Saipan, MP 96950

DATED: September 11, 2006.

  
DAVID LEDGER